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SIPDIS

C O R R E C T E D C O P Y (MARKINGS IN PARA 2)

E.O. 12958: DECL: 02/19/2019
TAGS: [PGOV](#) [PINR](#) [PREL](#) [PHUM](#) [SW](#)
SUBJECT: EX GITMO DETAINEE GETS SWEDISH RESIDENCY ON APPEAL

REF: A. STOCKHOLM 31
[1](#)B. 2008 STOCKHOLM 722

Classified By: CDA Robert Silverman for reasons 1.4 (B) & (D).

[1](#)1. (U) On February 18, the Swedish Migration Court, which hears appeals from petitioners unhappy with rulings from the autonomous Swedish Migration Board (SMB), granted permanent residency with refugee status to Adil Hakimjan, an ethnic Uighur and former Guantanamo detainee. The SMB denied Hakimjan residency in June 2008 based on the "first asylum principle" as he had already been given asylum in Albania (ref B). The Court overturned the SMB decision out of consideration of three points: the first asylum principle does not apply to Hakimjan, as Albania was the only option given to him to leave Guantanamo; his only relative outside of China, a sister, is resident in Sweden; and "humanitarian reasons" as Hakimjan was detained nearly five years under "special circumstances" in Guantanamo. The SMB has three weeks to appeal the Court's decision, but there is no indication at this point that it will do so.

[1](#)2. (C) Comment: As per ref B, the SMB made clear to us in October that Hakimjan had no real grounds for his appeal against the SMB ruling. We assess that the Court's ruling on the basis of "humanitarian reasons" deriving from "special circumstances" reflects some input from the government, which under Swedish law is allowed to direct the SMB to consider specific groups of persons for resettlement in Sweden (ref A). If so, the government may be using the Hakimjan case as a trial balloon, easing the Swedish public toward acceptance of a plan to resettle a few more Guantanamo detainees in Sweden.

SILVERMAN